

QUITCLAIM TO THE STATES OF OREGON AND CALIFORNIA ALL RIGHT, TITLE, AND INTEREST OF THE UNITED STATES IN AND TO THE LANDS OF GOOSE LAKE IN OREGON AND CALIFORNIA

MAY 25, 1942.—Ordered to be printed

Mr. HATCH, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

[To accompany H. R. 5490]

The Committee on Public Lands and Surveys, to whom was referred the bill, (H. R. 5490) to authorize the Secretary of the Interior to quitclaim to the States of Oregon and California, respectively, all the right, title, and interest of the United States in and to the lands of Goose Lake in Oregon and California, having considered the same report favorably thereon without amendment and with the recommendation that the bill do pass.

Facts concerning this proposed measure are set forth in the letter of the Department of the Interior to the chairman of Committee on the Public Lands of the House of Representatives, which letter is hereinbelow set forth in full and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, September 8, 1941.

Hon. J. W. ROBINSON,
*Chairman, Committee on the Public Lands,
House of Representatives.*

MY DEAR MR. ROBINSON: Further reference is made to your letter of August 13 requesting a report on H. R. 5490, a bill to authorize the Secretary of the Interior to quitclaim to the States of Oregon and California, respectively, all the right, title, and interest of the United States in and to the lands of Goose Lake in Oregon and California.

I recommend favorable action on this bill.

On January 20, 1905, the Legislative Assembly of the State of Oregon passed an act, which is found on page 63 of the General Laws of Oregon (1905), whereby the State ceded to the United States all the right, title, interest, or claim that the State had to the land in the beds of certain lakes in Oregon, including Goose Lake. This was for the purpose of aiding the operations of irrigation and reclamation by the Bureau of Reclamation.

On February 3, 1905, the Senate and Assembly of the State of California passed a law, found on page 4, California Statutes (1905), that was similar to the Oregon law.

The Congress of the United States on February 9, 1905, passed an act (33 Stat. 714), and authorized the Secretary of the Interior in carrying out any irrigation project that might be undertaken by him under the terms and conditions of the National Reclamation Act which might involve the changing of the levels of certain lakes in Oregon and California, including Goose Lake, to raise and lower the level of said lakes as may be necessary and to dispose of any lands which may come into the possession of the United States as a result thereof by cession of any State or otherwise under the terms and conditions of the National Reclamation Act.

On December 31, 1931, there was introduced in Congress, H. R. 5461 (72d Cong., 1st sess.), a bill which did not pass but which if enacted would have authorized the Secretary of the Interior to quitclaim to the State of Oregon certain lands of Goose Lake in Lake County. This bill received a favorable report from this Department.

While the State legislation covered lakes in addition to Goose Lake, no irrigation or reclamation development has ever been conducted by the Bureau of Reclamation affecting this particular lake.

In an opinion of the Solicitor, approved by the Department on June 9, 1932 (53 I. D. 693, 697), the lands affected by the cessions are held subject to disposition only under the general reclamation laws.

Since the passage of the Taylor Grazing Act in 1934, the ownership of the beds of Goose Lake in both California and Oregon has been in controversy.

By an order of the Department, dated December 30, 1936, California Grazing District No. 2, created under authority of section 1 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), was augmented to include the unsurveyed bed of Goose Lake in California and Oregon.

At the present time there is a suit pending in the Superior Court of the State of California in and for the County of Modoc, No. 4264, an action involving administration by the regional grazer of California of certain lands claimed by plaintiff, the Bixby-Huffman Cattle Co., Ltd., in the bed of Goose Lake in California.

The proposed legislation will end this entire controversy and, I believe, is a proper solution to the entire situation as to the disputed ownership and administration of these lands.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

Sincerely yours,

JOHN J. DEMPSEY,
Acting Secretary of the Interior.